

of the floor for the pendency of the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT  
AGREEMENT—S. 1753

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, but not before November 3, may turn to the consideration of S. 1753, the Fair Credit Reporting Act, and that it be considered under the following limitation:

The only first-degree amendments be the following and that they be subject to relevant second-degree amendments, provided that where the term "relevant" is used for a first-degree amendment it be construed to mean anything related to, pertaining to, or dealing with the subject matter contained in either the Senate or House bill, or the substitute amendment; textual reference is not required.

The amendments are: CANTWELL, ID theft; CORZINE, financial institutions to notify FTC of consumer data breach; DAYTON, national information sharing standards; DURBIN, student loan payment reporting; two by FEINGOLD: buy American and data mining reporting; KOHL, student loans credit reporting; two by Senator SCHUMER: debit card fee disclosure, economic policy; Senator NELSON of Florida, disposal of consumer financial records; Senators LINCOLN and PRYOR of Arkansas, usury limit; three relevant amendments by Senator FEINSTEIN; three amendments by Senator BOXER: consumer protection from false affiliate information sharing, right to know what affiliates your company can share information with, and tightening opt-out marketing loopholes; Senators SHELBY and SARBANES, a substitute amendment; relevant amendments by Senator BROWNBACK and Senator SPECTER; Senator MURKOWSKI, sharing confidential information; Senator SARBANES, two relevant amendments; Senator SHELBY, two relevant amendments; that upon the disposition of these amendments, the bill be read the third time and H.R. 2622, the House companion, be discharged from the Banking Committee and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1753, as amended, be substituted in lieu thereof; the bill be read the third time, and the Senate vote on final passage of the bill, with the preceding all occurring without any intervening action or debate; further, that upon disposition of the House bill, S. 1753 be returned to the calendar.

The PRESIDING OFFICER. Is this objection?

Mr. REID. Mr. President, if I can just say this prior to the consent being entered into the RECORD, we have a number of amendments. It sounds like a lot. I have spoken to the chairman and ranking member of the committee, in-

dicating that I am not sure all of the amendments on this side will even be offered. For example, Senator FEINGOLD thinks these will be accepted. If they are not, he will take a 10-minute time agreement.

I think we can move through these amendments quite rapidly. As I think everybody knows at this stage, the vast majority of the Senate favors this legislation. I think we should acknowledge that this agreement was reached with some effort today as a result of the advocacy of the Senators from California. They did not want this matter to be brought up this week because the fires are raging as we speak in California. They are both scheduled to go out there sometime this week. It would have been terribly inconvenient.

I appreciate everyone's cooperation. The majority and Senators on this side had other amendments they wanted to offer. But understanding the difficulty and the problems in California at this stage, we arrived at a point where I think it is fair to everybody.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I certainly hope my friend from Nevada is correct, because it does list 25 amendments. I share his hope and expectations that many of those will disappear and we will be able to deal with this legislation, which is widely supported by an overwhelming majority of the Senate, in relatively rapid fashion.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 2800

Mr. MCCONNELL. I ask unanimous consent that when the Senate resumes consideration of the foreign operations appropriations bill on Wednesday, tomorrow, Senator DORGAN be immediately recognized in order to offer an amendment related to the September 11 commission. I further ask unanimous consent that there be 40 minutes equally divided in relation to the amendment and that at the expiration of time I or my designee be recognized in order to make a point of order against the amendment; further, that Senator DORGAN then be recognized in order to move to suspend rule XVI with respect to his amendment. I finally ask unanimous consent that the Senate then proceed immediately to a vote on the motion to suspend. I also ask consent that following that vote the Senate then proceed to consideration of H.R. 1904, the Healthy Forests legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I, along with Senator LEAHY and others on this side, are terribly disappointed that the action on the Dorgan amendment tomorrow will bring to a close, at least at this stage, further action on this most important appropriations bill. My memory could be wrong, but not too wrong, that in the past we have moved through this bill

pretty quickly. The Senator from Kentucky has been involved in this for a long time, as either the ranking member or chairman of this subcommittee. I think he and Senator LEAHY, who has been involved with this for many years, have done an outstanding job.

There is one issue that has held this up and that is getting more money for global AIDS. The President supports this effort to get more money for global AIDS, and I am disappointed he and his people have not weighed in more on this, although knowing the Senator who is wanting to slow this down, does not want this to move forward, I am not sure what good it would do for anyone to talk to him knowing what an advocate he is and how strongly he feels about things.

The point I am making is I think we should have a vote on this, whatever it takes, and move on. On this side, I think everyone would have to acknowledge we have cooperated on these appropriations bills, but we cannot go to other appropriations bills when we have an appropriations bill that is on the floor and somebody finds a tough vote. It is not right. We in good faith have had our Members not offer various amendments. We have been very discrete in the amendments we have offered, and I would hope the night will bring more understanding to this most important issue of global AIDS.

It is not going to go away. It will appear on this bill or some other bill. I know my friend from Kentucky has worked very hard for hours today trying to move forward. This is his bill. Again, I express my concern and disappointment but have no objection to the unanimous consent agreement that has been suggested.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

Mr. MCCONNELL. Mr. President, if I may state briefly on the issue of funding of global AIDS, I think it is important to remind our colleagues it was the President who recommended \$15 billion over 5 years to attack this global public health crisis. Even without enacting amendments that go above the budget, the \$2 billion that is in this appropriations bill and another appropriations bill that has already cleared the Senate—between the two bills, \$2 billion—provides for the administration, even if we are unable through this process at some point this year to provide additional appropriations, to spend all the money that the administration feels it can usefully spend in the first year of the 5-year commitment. This Senator has no doubt that the full \$15 billion over 5 years will be appropriated to address this huge public health crisis.

UNANIMOUS CONSENT REQUEST—  
H.R. 7

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice

bill. I further ask unanimous consent that all after the enacting clause be stricken, that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of charitable choice, as amended by Snowe and Grassley-Baucus, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2 and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask that the distinguished Senator from Kentucky modify his request as follows: That the Senate proceed to the immediate consideration of H.R. 7; that all after the enacting clause be stricken; that the Snowe amendment which is at the desk be agreed to; that the substitute amendment which is the text of S. 476 as passed the Senate, as amended, be agreed to; that the bill as amended be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this be printed in the RECORD, with no intervening action or debate.

Mr. MCCONNELL. Mr. President, I object.

Mr. REID. I also object.

The PRESIDING OFFICER. The Senator from Kentucky declines to modify his original request and the objection is now heard on the original request.

Mr. REID. The Chair is correct.

#### EXECUTIVE SESSION

#### NOMINATION OF CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Executive Calendar No. 400, the nomination of Charles Pickering to be U.S. Circuit Judge for the Fifth Circuit. I ask my friend and colleague on the other side of the aisle, would his side be willing to enter into a time agreement on this nomination?

Mr. REID. The answer is no.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charles W. Pickering, Sr., of Mississippi to be United States Circuit Judge for the Fifth circuit.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I therefore send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 400, the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, Trent Lott, Conrad Burns, Lamar Alexander, Arlen Specter, Mitch McConnell, Mike DeWine, Chuck Hagel, Rick Santorum, Craig Thomas, Thad Cochran, John Ensign, Lindsey Graham, Elizabeth Dole, Michael B. Enzi, Gordon Smith.

Mr. MCCONNELL. I ask unanimous consent the live quorum as required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2003

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 249, S. 247.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 247) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported with an amendment, as follows:

[Strike the part shown in black brackets and insert the part printed in italic]

S. 247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2003".]

#### SEC. 2. RETENTION OF TASK FORCE.

[Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).]

#### SEC. 3. PREDICTION AND RESPONSE PLAN.

[Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

["(e) PREDICTION AND RESPONSE PLAN.—

["(1) DEVELOPMENT OF PLAN.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the

plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

["(2) PLAN REQUIREMENTS.—The plan shall—

["(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

["(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

["(C) include incentive-based partnership approaches where practicable.

["(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

["(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.".]

#### SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

[Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

["(f) LOCAL AND REGIONAL ASSESSMENTS.—

["(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

["(2) PURPOSE.—Local and regional assessments may examine—

["(A) the causes of hypoxia or harmful algal blooms in that area;

["(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

["(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

["(D) the social and economic benefits of such alternatives.".]

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[Section 605 of such Act is amended—

["(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

["(2) by inserting "\$26,000,000 for fiscal year 2004, \$26,500,000 for fiscal year 2005, and \$27,000,000 for fiscal year 2007" after "2001," in the first sentence;

["(3) by inserting "and \$2,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (1);

["(4) by inserting "and \$5,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (2);

["(5) by striking "2001" in paragraph (3) and inserting "2001, \$2,000,000 for fiscal year 2004, \$3,000,000 for fiscal year 2005, and \$3,000,000 for fiscal year 2006";

["(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to implement section 603(e).";

["(7) by striking "2001" in paragraph (4) and inserting "2001, and \$6,000,000 for each of fiscal years 2004, 2005, and 2006,";

["(8) by striking "and" after the semicolon in paragraph (4);

["(9) by striking "2001" in paragraph (5) and inserting "2001, \$5,000,000 for fiscal year 2004,